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9 Attorneys for Plaintiff
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11
12 IN THE UNITED STATES DISTRICT COURT
13
14 EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,

CASE NO. 2:21-CR-00077-WBS

16 Plaintiff,

STIPULATION AND PROTECTIVE ORDER

17 v.

18 JAMES DEAN MILLER,

19 Defendant.

20 WHEREAS, the government desires to prevent the unauthorized disclosure or dissemination of
21 certain discovery that contains personal identifying information (“PII”) of a victim or non-law
22 enforcement witness to anyone not a party to the court proceedings in this matter;

23 WHEREAS, the discovery materials at issue include information pertaining to minor victims in
24 this case, including personal identifying information such as full names, addresses, phone numbers, and
25 birthdates;

26 WHEREAS, such personal identifying information shall be subject to a protective order at the
27 time of disclosure, whether on the documents or other materials (e.g., CDs/DVDs) themselves or in an
28 accompanying cover letter;

29 WHEREAS, the government submits that entry of a stipulated protective order is appropriate,
30 and that a private agreement is not appropriate in light of the nature of the information at issue and the
31 charges in this case; and

1 WHEREAS, the defendant JAMES DEAN MILLER has counsel (“Defense Counsel”) who
2 wishes the opportunity to review the unredacted discovery;

3 Defendant JAMES DEAN MILLER and plaintiff United States of America, by and through their
4 undersigned counsel of record, hereby agree and stipulate as follows:

5 1. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of
6 Criminal Procedure, its general supervisory authority, and Local Rule 141.1.

7 2. This Order pertains to all discovery containing PII of victims and non-law enforcement
8 witnesses as defined by 2 CFR §200.79. (hereafter, collectively known as “the protected discovery”).

9 3. Defense Counsel shall not disclose any of the protected discovery to any person other
10 than the defendant, or attorneys, law clerks, paralegals, secretaries, experts, and investigators, involved
11 in the representation of his client. At no time shall the defendant be permitted to review the protected
12 discovery outside of the presence of his attorney. If the defendant is being held in custody, Defense
13 Counsel shall not leave any of the protected discovery with the defendant at the jail or other institution
14 where the defendant is being held.

15 4. The protected discovery and information therein may only be used in connection with the
16 litigation of this case and for no other purpose. The protected discovery is now and will forever remain
17 the property of the United States Government. Defense Counsel will return the discovery to the
18 Government or certify that it has been shredded or otherwise destroyed at the conclusion of the case,
19 unless counsel believes he or she is otherwise required by ethical rule or opinion to retain the protected
20 discovery. If counsel believes they are subject to an ethical rule or opinion requiring retention of the
21 protected discovery, they will securely maintain that protected discovery consistent with the remaining
22 terms of the Protective Order.

23 5. Defense Counsel will store the protected discovery in a secure place and will use
24 reasonable care to ensure that it is not disclosed to third persons in violation of this agreement.

25 6. If Defense Counsel releases custody of any of the protected discovery, or authorized
26 copies thereof, to any person described in paragraph (3), Defense Counsel shall provide such recipients
27 with copies of this Order.

28 7. In the event that the defendant obtains substitute counsel, undersigned Defense Counsel

1 agrees to withhold the protected discovery from new counsel unless and until substituted counsel agrees
2 to be bound by this Order.

3 8. Defense Counsel shall be responsible for advising his or her client, employees, and other
4 members of the defense team of the contents of this Stipulation/Order.

5 IT IS SO STIPULATED.

6 | Dated: May 20, 2021
Respectfully submitted,

PHILLIP A. TALBERT
Acting United States Attorney

By: /s/ Mira Chernick
MIRA CHERNICK
Assistant U.S. Attorney

By: /s/ Hootan Baigmohammadi
HOOTAN BAIGMOHAMMADI
Counsel for James Dean Miller

ORDER

IT IS SO FOUND AND ORDERED.

Dated: May 21, 2021

Carol A. Delaney
CAROLYN A. DELANEY

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE